

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 RICHMOND DIVISION
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6 LULA WILLIAMS, et al., on behalf :
7 of themselves and all individuals : Civil Action No.
8 similarly situated : 3:19cv85
9 vs. :
10 MICROBILT CORPORATION, et al. : June 8, 2020
11 -----

12 COMPLETE TRANSCRIPT OF THE CONFERENCE CALL
13 BEFORE THE HONORABLE ROBERT E. PAYNE
14 UNITED STATES DISTRICT JUDGE
15

16 APPEARANCES:
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25 United States District Court



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1 MR. LUCKMAN: Your Honor, I'd like to address that
2 when I have a moment.

3 THE COURT: Mr. Luckman, everybody gets a chance.
4 Please don't interrupt. Have you filed a motion to compel?

5 MR. BENNETT: We are about to file a motion to
6 compel. Mr. Luckman asked for us to push the date -- the time
7 for the meet-and-confer to today from last week, and we're
8 doing that after the call.

9 THE COURT: If they have been sitting and not
10 responding in any meaningful way, you have to precipitate a
11 conference call to discuss it or, that failing, file a motion
12 to compel. I guess given that it's been so long, the motion to
13 compel will be required. So get on it and file it.

14 MR. BENNETT: Yes, sir.

15 THE COURT: You all bring me in so late in the
16 proceedings that there's so much who-struck-John that it's very
17 difficult to sort out. Now, tell me something. Summarize the
18 case for me just a minute, Mr. Bennett. What's the claim
19 against MicroBilt and Burgess and Martorello, and Wichtman is
20 gone.

21 MR. BENNETT: Yes. So in this particular case, this
22 Williams matter, Mr. Burgess has a consumer reporting agency,
23 that's MicroBilt, that caters and services largely the payday
24 lending and the sub prime lending industry.

25 Mr. Burgess and Mr. Martorello have been friends for

1 sometime, and as part of this litigation, we learned two
2 things. We learned that Mr. Burgess had his company, which
3 he's not the owner of at this point, MicroBilt, and MicroBilt
4 people are in Atlanta.

5 THE COURT: Wait a minute. A minute ago you said
6 Burgess owned MicroBilt. Just now you said Burgess does not
7 own MicroBilt. It can't be both.

8 MR. BENNETT: He claims he sold it, Judge.

9 THE COURT: What?

10 MR. BENNETT: He claims he sold it. We have not been
11 able to -- I don't know, Judge. That's happened during the
12 pendency of the litigation, as I understand, but Mr. Luckman
13 will either tell us or once we get discovery we'll know the
14 details.

15 THE COURT: Mr. Luckman, did he sell it?

16 MR. LUCKMAN: Your Honor, he has not been an owner
17 for many years. It has nothing to do with this litigation. It
18 predates it by probably a decade.

19 THE COURT: Let me start again, Mr. Luckman. Did he
20 ever own it?

21 MR. LUCKMAN: I would say that he had an interest.
22 This has been going on for 25 years, the company. Either
23 various investors. I cannot say he ever personally owned it.
24 There are entities which he may have an interest in that owned
25 it. This is how he's operated the business for decades, Your

1 Honor. I think 28 years.

2 THE COURT: He has sold his interest?

3 MR. LUCKMAN: I don't know that he ever personally
4 owned any interest, Your Honor. I can say it has literally
5 nothing to do with the facts of this case or the claims. I
6 understand what's happening with the Martorello case in front
7 of you and all the allegations and accusations that are being
8 made.

9 This is completely removed from that. The interests,
10 whoever holds an interest in MicroBilt is not impacting
11 discovery and won't impact defenses. Mr. Burgess has been a
12 consultant since 2007. That's in the affidavits before Your
13 Honor. He has not been an employee since 2007.

14 THE COURT: You will file, Mr. Luckman, a statement
15 setting forth, under oath, the history and ownership of
16 MicroBilt and Mr. Burgess's ownership of it or any -- in any
17 entity that does own it, that did own it, that does own it, and
18 when and where Mr. Burgess -- what he did in it, what offices
19 he had in it, and when he sold his interest.

20 If you all can't get something simple like that
21 straight, how can I decide much of anything? Apparently one of
22 the issues is whether he is in it -- has any interest here at
23 all. I don't know what that's about. So is there any reason
24 you can't file that by one week from today?

25 MR. LUCKMAN: Absolutely not, Your Honor, and I don't

1 you're going to sit down, and you are going to work out a
2 schedule assuming you have this trial date.

3 MR. LUCKMAN: Your Honor?

4
5 (Dropped call.)

6 (Discussion off the record.)

7
8 THE LAW CLERK: Judge Payne is saying the call is
9 over unless any of you have any other issues to bring up.

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12 (End of proceedings.)

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15 I certify that the foregoing is a correct transcript
16 from the record of proceedings in the above-entitled matter.

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18
19 /s/
P. E. Peterson, RPR

Date